

REQUEST TO EXTEND TIME TO FILE MOTION TO AMEND THE COMPLAINT

From: Ilya Feliksovich Iosilevich
Plaintiff Pro Se
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Cell: (347) 254-9395
Email: iiosilevich@gmail.com

To: Hon. Rachel P. Kovner
U.S. District Court, Eastern District of New York
225 Cadman Plaza E
Brooklyn, NY 11201
Pro Se phone: (718) 613-2665

RE: Case 1:22-cv-03714-RPK-LB; *Iosilevich v. The City of New York et al.*; Request to extend time to file a Motion with proposed Amended Complaint pursuant to the Order on Motion to Dismiss for Failure to State a Claim (Dkt. 46)

Dear Hon. Rachel P. Kovner,

I am respectfully requesting the leave of the Court to extend the deadline to file the Motion with the proposed Amended Complaint to be attached as an Exhibit to such Motion by December 31, 2024.

Prior to asking for such request, I secured permission from the Corporation Counsel, which represents the City of New York and other municipal defendants. See *attached email communications*.

The reason why I am requesting the leave of the Court to extend time to file the Motion for an Amended Complaint is because I followed your instructions written in your Memorandum and Order (Dkt. 33 at page ID No. 503) in unrelated case of *Iosilevich v. United States et al.*, case No. 1:22-cv-06505-RPK-LB and filed petition before Army Board of Correction of Military Records ("ABCMR") on October 15, 2024, and on October 24, 2024, I petitioned to the U.S. Court of Federal Claims under Tucker Act (caption *Iosilevich v. The United States*, case No. 1:24-cv-01745-RTH) for redress to be reinstated back to military service. I met the deadlines of Statute of Limitations of October 25, 2024, to file petitions in ABCMR and in the U.S. Court of Federal Claims. I need more time to send my grievances to

the Adjunct General under New York Military Law § 131.4 and this is why I asked for consent to extension in good faith from the opposing counselors for municipal Defendants.

Wherefore, I pray that the Court will grant my permission to extend the deadline until December 31, 2024, to file the Motion to Amend the Complaint, and any other relief this Court deems just and proper.

Notwithstanding the decision of the Court to grant me an extension, I would like to thank you, Your Honor, for the well-written Memorandum and Order in case of *Iosilevich v. United States et al.*, case No. 1:22-cv-06505-RPK-LB, as I followed the instructions, did my own legal research and met the deadlines to file petition in both ABCMR and U.S. Court of Federal Claims.

Enclosure: Email communications indicating the Corporation Counsel's consent to grant me an extension to file the Motion to Amend my Complaint by December 31, 2024.

Respectfully submitted,

____/s/ Ilya F. Iosilevich____

ILYA FELIKSOVICH IOSILEVICH

Plaintiff Pro Se

October 29, 2024

**EMAIL
COMMUNICATIONS
BETWEEN PLAINTIFF AND
CORPORATION
COUNSEL, ATTORNEYS
FOR CITY OF NEW YORK
DEFENDANTS,
CONSENTING TO AN
EXTENTION OF TIME TO
FILE A MOTION TO
AMEND THE COMPLAINT**



Ilya Iosilevich <iiosilevich@gmail.com>

Activity in Case 1:22-cv-03714-RPK-LB Iosilevich v. The City of New York et al Order on Motion to Dismiss for Failure to State a Claim

Colalillo, Christine (LAW) <CColalil@law.nyc.gov>

Mon, Oct 28, 2024 at 3:31 PM

To: Ilya Iosilevich <iiosilevich@gmail.com>

Good Afternoon Mr. Iosilevich,

The City consents to your extension.

Best,

Christine

Christine Colalillo

Assistant Corporation Counsel

Special Federal Litigation Division

New York City Law Department

[100 Church Street](#)

[New York, NY 10007](#)

Office Phone: 212.356.2599

ccolalil@law.nyc.gov

From: Ilya Iosilevich <iiosilevich@gmail.com>

Sent: Friday, October 25, 2024 8:09 AM

To: Colalillo, Christine (LAW) <CColalil@law.nyc.gov>; Zangrilli, Joseph (LAW) <jzangril@law.nyc.gov>

Subject: [EXTERNAL] Fwd: Activity in Case 1:22-cv-03714-RPK-LB Iosilevich v. The City of New York et al Order on Motion to Dismiss for Failure to State a Claim

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Good morning, Ms. Christine Colalillo and Mr. Joseph Zangrilli!

The Hon. Rachel P. Kovner gave me until the end of October to file Motion w/ proposed Complaint. *See below*. I have a lot of things on my plate, and it will be stressful for me to comply by deadline. May I ask for your consent to extend the deadline for filing a Motion with proposed Amended Complaint by 12/31/2024 ?

Thank you, Counselors, for your consideration and hope to hear from you soon.

Respectfully yours,

Ilya F. Iosilevich

Plaintiff pro se

Cell: (347) 254-9395

----- Forwarded message -----

From: <ecf_bounces@nyed.uscourts.gov>

Date: Mon, Sep 30, 2024 at 11:12 PM

Subject: Activity in Case 1:22-cv-03714-RPK-LB Iosilevich v. The City of New York et al Order on Motion to Dismiss for Failure to State a Claim

To: <nobody@nyed.uscourts.gov>

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U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 9/30/2024 at 11:11 PM EDT and filed on 9/30/2024

Case Name: Iosilevich v. The City of New York et al

Case Number: 1:22-cv-03714-RPK-LB

Filer:

Document Number: [46](#)

Docket Text:

ORDER: For the reasons explained in the attached memorandum and order, the [27] motion to dismiss is denied as to plaintiff's false-arrest claims against defendant Captain Cedillo. The [35] and [37] motions to dismiss are granted. Plaintiff's Section 1983 claims against the City, his claims for intentional infliction of emotion distress and negligent infliction of emotional distress, his false-arrest and malicious-prosecution claims against defendant Adhikary, and his false-arrest claims against defendant Officers Andrews and Woodburn are dismissed without prejudice. If plaintiff wishes to amend his pleadings, he shall file a

motion within 30 days of the issuance of this order seeking leave to amend with the proposed Amended Complaint attached as an exhibit. The motion should explain how the proposed Amended Complaint addresses the pleading defects identified in this opinion. Plaintiff is advised that the Amended Complaint will replace his complaint. All further proceedings are stayed for thirty days. If plaintiff does not file a motion to amend within 30 days, the case will proceed on his remaining claims. Ordered by Judge Rachel P. Kovner on 9/30/2024. (BRS)

1:22-cv-03714-RPK-LB Notice has been electronically mailed to:

Joseph P. Zangrilli jzangril@law.nyc.gov

Ilya Feliksovich Iosilevich iosilevich@gmail.com

1:22-cv-03714-RPK-LB Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=9/30/2024] [FileNumber=19358092-0]
[ba7b88a4b3b714264056073797d723fcb743491d2a428a1a0169bf7b40a02f365917
e4fcc97648ed615b7e43d4a556958f8e8fa853404f22fa871db65725f67e]]